

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WAYNE COUNTY, WAYNE
COUNTY SHERIFF,
PAUL REINHOLD, and
NICOLE REINHOLD,

Case No. 15-13558

Hon. Terrence G. Berg

Plaintiffs,

vs.

CONEJO CAPITAL PARTNERS 2,
LLC,

Defendant.

_____ /

TEMPORARY RESTRAINING ORDER

This case originated in the Wayne County Circuit Court. On October 6, 2015, Chief Circuit Court Judge Robert J. Colombo, Jr. entered a temporary restraining order, prohibiting Defendant Conejo Capital Partners 2, LLC (“Defendant”) from, generally speaking, purchasing properties at foreclosure sales and litigating eviction proceedings in Wayne County. Chief Judge Colombo set a show cause hearing for October 16, 2015 at 8:30 a.m. Before the show cause hearing took place, Defendant removed the case to this Court, ostensibly invoking this Court’s diversity jurisdiction.

Chief Judge Colombo’s temporary restraining order is set to expire on October 20, 2015. Plaintiffs have filed a motion to continue the restraining order and for a preliminary injunction (Dkt. 4), along with a motion to remand this case to

state court (Dkt. 3). On October 20, 2015, counsel for all parties participated in a telephonic status conference before the Court. During the status conference, the Court heard argument from each side on the question of whether the temporary restraining order entered in state court should be continued. Counsel for Defendant opposed continuing the order, on the ground that it was negatively impacting Defendant's business interests, and that Defendant was in the process of acquiring the necessary state certificates to do business in Michigan, the absence of which was part of the reason that Plaintiff had sought the order. Plaintiff argued that its application for the temporary restraining order has set out a prima facie case that Defendant was operating a business in Michigan without the required state certifications and without any registered agent, and that therefore Defendant was not eligible to do business in Michigan. Defendant responded that, as a limited liability corporation, it did not believe it was required to obtain such certifications.

The Court also asked the parties whether they would consent to remanding the case to state court. Plaintiff was willing to consent, but Defendant was not. After considering the arguments of the parties, and reviewing all of the relevant pleadings, the Court finds that there are sufficient grounds to support the continuation of the temporary restraining order entered by the Wayne County Circuit Court, based on the grounds set forth therein, until such time as the Defendant files formal responses to Plaintiffs' motions for a temporary restraining order and for a preliminary injunction, as well as the motion for remand based on

lack of jurisdiction, Plaintiffs file any appropriate reply thereto, and the Court hears oral argument on the same.

WHEREFORE, it is hereby ordered that, pursuant to Fed. R. Civ. P. 65, the temporary restraining order entered by Chief Judge Colombo shall remain in effect, until November 3, 2015, unless the Court extends it further for good cause.

Defendant is **ORDERED** to file written responses to Plaintiff's motion for a preliminary injunction (Dkt. 4) and Plaintiffs' motion to remand (Dkt. 3) by **OCTOBER 23, 2015**; Plaintiffs are **ORDERED** to file reply briefs by **OCTOBER 28, 2015**. The Court shall hold a hearing on both motions on **OCTOBER 30, 2015 at 10:00 a.m., in the Theodore Levin U.S. Courthouse in Detroit, Michigan (Courtroom 861)**. As noted earlier, the temporary restraining order entered by Chief Judge Colombo shall remain in effect. Thus,

A. Defendant is enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, attorneys, and/or representative from initiating any action or proceeding in any court within the State of Michigan, until further order of this Court;

B. Defendant is enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, attorneys, and/or representative from continuing to prosecute any action or proceeding in any court within the State of Michigan, until further order of this Court;

C. Defendant is enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, attorneys, and/or representative from executing upon any eviction order or enforcing any judgment entered against any homeowner, mortgagor, or occupant, of any real property within the County of Wayne, until further order of this Court;

D. Defendant is enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, attorneys, and/or representative from purchasing at sheriff's sale any real property within the County of Wayne, until further order of this Court;

E. Defendant is enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, attorneys, and/or representative from selling, leasing, renting, transferring, or otherwise conveying any interest in any real property within the County of Wayne, until further order of this Court;

F. Defendant is enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, attorneys, and/or representative from recording with the Wayne County Register of Deeds any instruments related to any interest it may have any property within Wayne County, that it obtained by way of purchase at a Wayne County sheriff's sale;

G. Defendant is enjoined and restrained, directly and indirectly, whether alone or in concert with others, including any officer, agent, employee, attorneys, and/or

representative from conducting or transacting business within the State of Michigan, until further order of this Court.

H. This order will remain in full force and effect until November 3, 2015, unless extended by the Court.

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: October 20, 2015, 3:48:26 PM

Certificate of Service

I hereby certify that this Order was electronically submitted on October 20, 2015, using the CM/ECF system, which will send notification to each party.

s/A. Chubb
Case Manager